

MINUTES
SPECIAL SESSION ON THE PROPOSED PERSONNEL POLICY
AND DISCUSSION ON LEGISLATIVE ISSUES
April 19, 2006 – 6:00 P.M.

Mayor Mullinax reconvened the April 4, 2006 for this special work session to discuss the proposed Personnel Policy and Legislative Issues in the Council Chambers with the following present: Mayor Robert Mullinax, Council Members Wayne Dellinger, Tom Rowe, Anne Stedman, Al Gaither, Tom Dixon, Mayor Pro Tem Roy Johnson, City Manager Ed Burchins, Glenn J. Pattishall, Planning Director, Larry Pitts, City Attorney, Gary Herman, Public Information Director, Teresa Laffon, Human Resources Director, and Beunice "Bootsie" Roberts, City Clerk.

Mayor Mullinax called to order the scheduled work session and welcomed everyone.

City Manager Ed Burchins reviewed the information, gave a brief overview, and asked Teresa Laffon, Human Resources Director, to present the highlights of the recommended changes.

Mrs. Laffon reported that during the February 2nd annual Mayor and City Council's Planning Work Session that she and John Maxwell of Springsted Incorporated, reported that several changes needed to be made to the City's Personnel Policy. After a brief discussion during the session, Mrs. Laffon stated that she, Mr. Maxwell, and several members of the Council recommended the following changes:

- On page 11, Section IV.1 (g), Council Member Gaither's suggested wording "deemed unacceptable" to replace the wording of "sexually or racially explicit".
- Section VI.1, Holidays, page 19, to include Friday as an additional holiday for Thanksgiving. The current practice and wording of compensatory time off was left in the policy. The staff agreed that the current system was working well and was more cost effective for the city.
- That the Personnel Policy be adopted by a resolution verses an ordinance.

Mrs. Laffon highlighted the wording change, as well as, presented a statistical report from the surrounding local governments. Conover and Newton were the only two that did not list Thanksgiving Friday as a legal holiday. It was noted, however, that Newton did take the holiday when Christmas fell on Friday, Saturday, Sunday, and Monday.

Mayor Pro Tem Johnson and Council Member Stedman spoke in favor of the additional day.

Council Member Dellinger asked if this change would apply to everyone on staff.

Mrs. Laffon stated that the change would apply to everyone. She stated that if the regular work schedule requires one to work on a holiday or if a holiday falls on one's scheduled day off, the employee shall receive an additional 8 hours off. She stated that the compensatory time off must be taken within one hundred twenty days (120) from accrual or it will be forfeited. However, due to staffing, City Manager Burchins has allowed departments such as the Fire Department and Sanitation Division to receive 8 hours pay in lieu of a day off.

Mrs. Laffon stated that the Personnel Policy had not been revamped since 1987.

Mrs. Laffon also reviewed the employee benefits package stating that employees of the City who retire may elect to continue medical insurance coverage, provided the following eligibility requirements are met by the retiring employee:

- The retiring employee must meet the retirement qualifications outlined by the North Carolina Local

Government Employees Retirement system.

- The retiring employee must be at least fifty-five (55) years of age
- The employee's last 20 full-time consecutive creditable years of service must have been with the City
- Coverage will terminate upon the retiring employee attaining to age of 65
- The retiring employee is responsible for paying the monthly premium, in advance, to the City; however, if an employee has 30 or more creditable years of service with the City, the City shall pay the premiums for the employee.
- The retiring employee may elect to include family coverage only if the employee was covering the family at the time of retirement.

There was a brief discussion about the spouse remaining on the insurance coverage should the retiree die before age 65. The Council recommended that the wording be evaluated at another time.

It was the consensus of the Council that these adjustments to the retiree's medical coverage apply to the staff hired before July 1, 2006 **only**, and to become effective July 1, 2006.

There was a lengthy discussion to clarify merit pay raises, state and other local government insurance benefit plans, retirement benefits, and statistics on how many in the City of Newton would be eligible to retire within the next 10 years.

It was the consensus of the Council to table the decision on the personnel policy and the discussion on the legislative issues until the regular meeting.

There being no further business to discuss and due to the scheduled time for the regular Council meeting, the meeting was adjourned.

Respectfully submitted by:

Robert A. Mullinax, Mayor

Beunice R. Roberts, City Clerk

MINUTES
APRIL 19, 2006
REGULAR MEETING – CITY COUNCIL – CITY OF NEWTON

The Mayor and City Council held a regular meeting at 7:00 p.m. on Wednesday, April 19, 2006 in the Council Chambers at City Hall with the following present: Mayor Robert Mullinax, Council Members Wayne Dellinger, Tom Rowe, Anne Stedman, Al Gaither, Tom Dixon, Mayor Pro Tem Roy Johnson, City Attorney Larry Pitts, City Manager Ed Burchins, Assistant City Manager Glenn J. Pattishall, Gary Herman, Public Information Director, Teresa Laffon, Human Resources Director, and Beunice "Bootsie" Roberts, City Clerk.

Item 1 **Call to Order:**

Mayor Mullinax called the meeting to order and welcomed citizens in the audience.

Item 2 **Opening – Mayor Pro Tem Roy Johnson**

Mayor Pro Tem Roy Johnson gave the invocation and led the Pledge of Allegiance.

Item 3 **Approval of minutes of the April 4, 2006 Special Session on the Off-Street Parking Committee's Recommendations and Discussion of Financing Methods for Capital Projects and the April 4, 2006 regular meeting**

A motion was made by Mayor Pro Tem Johnson, seconded by Council Member Stedman, and unanimously adopted that the minutes of the April 4, 2006 Special Session on the Off-Street Parking Committee's Recommendations and Discussion of Financing Methods for Capital Projects and the April 4, 2006 regular meeting be approved as submitted.

Item 4 **Consideration of Approval of Consent Agenda Item:**

A motion was made by Mayor Pro Tem Johnson, seconded by Council Member Rowe, and unanimously adopted that the following items on the Consent Agenda be approved.

A. Tax Releases for March 2006- Adopted

Tax Year	Tax Release Number	Name	Reason	Amount of Release
2005	50	Simpson, Scott	Situs Change	\$22.02

B. Sewer Adjustments for April 2006 -Adopted

Acct Number	Name	Service Address	Adjustment Period	Amount of Adjustment
34000420	DPL INC	1809 N Main Ave	January, February	\$152.81

C. Appointment of Leida Caldwell Stewart as Newton's representative on the Catawba County Mayor's Committee for Persons with Disabilities

Mayor Mullinax introduced Ms. Stewart to the Council and audience and thanked her for her willingness to serve as Newton's representative on the committee.

Item 5 **Comments from the public: (Persons wanting to make a public comment on non-agenda items are requested to sign in with the City Clerk prior to the meeting.)**

No one appeared to speak.

Item 6 **Old Business:**

**** Non-Agenda Item – Proposed Personnel Policy**

Minutes omitted for further discussion.

ORDINANCE #2006-10 ATTACHED

RESOLUTION # 7-2006

TO ADOPT THE PERSONNEL POLICY BY RESOLUTION

Whereas it is the desire of the city council to establish a personnel policy for the city that provides a program to recruit, select, employ, develop and maintain an effective and responsible work force; and

Whereas it is the desire of the city council to establish a personnel policy that covers conditions of employment, employee benefits, work rules, grievance procedures and position classification and pay administration; and

Whereas it is the desire of the council that said system of personnel policy shall cover all regular and probationary employees except as specifically exempted by said policy; and

Whereas appropriate consultation has been made with experts on local government personnel policy from the School of Government at the University of North Carolina at Chapel Hill, the city's labor consultant, and policy advisors sponsored by the North Carolina League of Municipalities; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and the City Council of the City of Newton that the Personnel Policy for the City of Newton is hereby adopted.

Adopted this the 1st day of July, 2006.

Robert A. Mullinax, Mayor

Attest:

Beunice R. Roberts, City Clerk

Item 7: **New Business:**

A. Approval of Change Order for Jacobs Fork Park

Assistant City Manager Glenn J. Pattishall reported that during the construction of the Jacob Fork Park project, there was a discovery of subsurface water during excavation.

Mr. Pattishall reported that the project engineer, Dan Shabledeen of W. K. Dickson, evaluated the problem and determined that an under drain system would best correct the situation and had recommended a change order be considered by the City.

Mr. Pattishall stated that a change order in the amount of \$15,000 submitted by Mountain Creek Contractors to install up to 1000 linear feet of drain pipe would require additional funding.

Mr. Pattishall stated that the Council appropriated \$6,200 in contingency for the project, but an additional amount of \$8,800 is needed to cover the remainder of the \$15,000 cost.

Mr. Pattishall requested that the Council approve the change order and adopt the capital project budget ordinance amendment in the amount of \$8,800.

A motion was made by Mayor Pro Tem Johnson, seconded by Council Member Gaither, and unanimously adopted to approve the change order in the amount of \$15,000 to Mountain Creek Contractors for the Jacob Fork Park project and a capital budget ordinance amendment appropriating \$8,800 from the General Fund fund balance to complete the repairs.

ORDINANCE # 2006-9 ATTACHED

Item 8 **City Manager's Report:**

A. Consideration of Sale of Merchandise on Sidewalk during NewtonFest

Planning Director Glenn J. Pattishall reported that the merchants in the downtown have requested that the Council authorize the display and sale of merchandise on the sidewalks during NewtonFest.

Mr. Pattishall stated that sidewalk sales by the merchants have been done in the past during NewtonFest, as an impromptu type of arrangement in the past, without being officially authorized by the City Council to do so.

Mr. Pattishall stated that the sales on the sidewalk did not create any problems and the merchants wanted to have sidewalk sales again this year. According to the City Code, this type of sale should be authorized by the City Council.

Mr. Pattishall stated that the staff recommended that the Council approve the display and sale of merchandise on the sidewalks in the municipal service district during NewtonFest which is April 28th and April 29th with a condition being that the merchandise does not block the use of any sidewalk for pedestrian movement or delivery purposes.

A motion was made by Council Member Stedman, seconded by Council Member Dixon, and unanimously adopted to authorize the display sale of merchandise from sidewalks within the municipal service district during NewtonFest on April 28th and April 29th, 2006, provided that such display and sale of merchandise does not block the use of any sidewalks for pedestrian movement or delivery purposes.

B. Consideration of Swimming Pool Equipment Upgrades

City Manager Burchins stated that during the last Council meeting, that the Council approved making repairs and upgrades to the swimming pool at the Recreation Center on S. Brady Avenue.

City Manager Burchins stated that it was general consensus that since the diving boards had been removed, there was a need for some type of entertainment to attract people to the pool.

Johnny Isenhour, Purchasing Agent, reviewed examples of a proposed slide showing the walkway, the placement of the slide, and other improvements to the pool, as well as, the breakdown of the funding:

Original Appropriation	\$150,000.00
Renovations awarded to Mecklenburg Aquatics	\$ 91,670.00
Engineering Fees (Kirk Gavel)	<u>\$ 4,900.00</u>
Fund not spent on repairs/renovations	\$ 53,430.00
Contingency Fund 3% (Mecklenburg Aquatics)	<u>\$ 2,750.10</u>
Net Appropriated Funds available	<u>\$ 56,180.10</u>
Proposed Spending for additional work	
Mecklenburg Aquatics	\$ 5,000.00
Proposed spending for Mason Corporation	
#302 Slide	\$ 34,200.00
Contingency for concrete	<u>\$ 5,000.00</u>
Balance available (extra)	\$ 11,980.00

After a brief discussion on the liability insurance and specific modifications at the pool, the staff requested that the Council appropriate funds for the swimming pool upgrades and new slide equipment.

Council Member Johnson stated that the Parks and Recreation Commission asked him to express their support to purchase the slide equipment and felt that this new attraction will compliment all the repairs and upgrading being done and will attract more people to the pool.

A motion was made by Mayor Pro Tem Johnson, seconded by Council Member Stedman, and unanimously adopted to approve the appropriated funds available to purchase the swimming pool equipment upgrades and slide equipment.

Mayor Mullinax expressed his appreciation to Johnny Isenhour for the list of the proposed items to be auctioned through GovDeals.com program. Mayor Mullinax also suggested that the items be placed on the city's website and government access channel.

Work Session – Non-Agenda Item

City Manager Burchins stated that the staff is requesting that the Council consider three local bills to review or discuss with our State representatives.

- 1 Local Act Concerning Satellite Annexation Exemptions for the City of Newton
- 2 Local Bill for Special Assessment Street and Sidewalk Improvements without Petition
- 3 Local Bill for Vehicle Tax for the City of Newton

(1) Local Act Concerning Satellite Annexation Exemptions for the City of Newton

City Manager Burchins stated that the staff would like to talk to the State Representatives concerning an exemption to the Statutes which pertains to satellite annexation. He stated that all the surrounding cities are so close to each other, that there are some issues related to Newton's ability to do satellite annexation.

City Manager Burchins stated that the city cannot do a satellite annexation unless it is three miles or closer to our primary corporate limits, which is the same requirement for the other surrounding cities. He stated that the staff had prepared a local bill that would exempt Newton from that specific statute.

(2) Local Bill for Special Assessment Street and Sidewalk Improvements without Petition

City Manager Burchins stated that under the NCGS, a city cannot undertake street or side walk improvements using an assessment process unless a petition signed by at least 51% of the affected property owners representing 51% of the footage on any given street is submitted.

City Manager Burchins said that in many situations, needed improvements can be blocked by the refusal of as few as one property owner to sign a petition.

City Manager Burchins stated that the City needs every tool possible to help as it moves forward in improving the sidewalks and streets and that it was not an unusual exemption; other cities statewide have this exemption. He said that the staff had prepared a local bill that would exempt Newton from that specific statute.

(3) Local Bill for Vehicle Tax for the City of Newton

City Manager Burchins reported that the City of Newton is allowed to put in place a vehicle tax up to \$5 per vehicle. He stated that the Council has discussed other methods of funding to assist in improving streets and sidewalks, as well as, going back into the budget to investigate alternative ways to fund these improvements.

City Manager Burchins stated that there might be the need to possibly look at new ways of funding available to make these improvements happen. He stated that one option for the Council is to increase the \$5 vehicle tax to \$25 and dedicate that revenue to streets and sidewalks or culvert improvements or some improvement that the City is allowed to make with their Powell Bill Funds.

City Manager Burchins stated that this was an option to consider without having to raise the tax rate. Mr. Burchins stated that this assessment could be placed on the vehicle tax bills as a way to collect.

After a brief discussion of the Vehicle Tax, it was the consensus of the Council not to introduce the Vehicle Tax Bill.

A motion was made by Council Member Dellinger, seconded by Council Member Rowe, and unanimously adopted to authorize staff to pursue the introduction of: (1), a local Bill concerning Satellite Annexation Exemptions for the City of Newton; and, (2) a local Bill for Special Assessment Street and Sidewalk

Improvements without Petition at the upcoming session of the N.C. General Assembly.

Item 9. **Questions from Mayor and Council:**

None.

Item 10. **Closed Session as allowed under G.S. 143-318.11(a) (3)**

None.

Item 11. **Adjourn**

There being no further business to discuss, a motion was made by Mayor Pro Tem Johnson, seconded by Council Member Dixon, and unanimously approved that the meeting be adjourned.

Respectfully submitted,

Robert A. Mullinax, Mayor

Beunice R. Roberts, City Clerk

MINUTES

Omitted Section from the April 19, 2006 Minutes Amended for the May 17, 2006 City Council Meeting

Item 6 Old Business:

**** Non-Agenda Item - Proposed Personnel Policy**

Mayor Mullinax announced that the Council held a work session on the proposed personnel policy and asked the Council if they were ready for a motion.

A motion was made by Council Member Dixon, seconded by Mayor Pro Tem Johnson, and unanimously adopted to approve the ordinance to delete Chapter 19, Personnel, of the Newton City Code in its entirety and approved to adopt the Personnel Policy as a resolution with the following amendments to become effective July 1, 2006 and will apply to all employees hired before July 1, 2006.

- on page 11, Section IV.1 (g), Council Member Gaither's suggested wording "deemed unacceptable" to replace the wording of "sexually or racially explicit".
- Section VI.1, Holidays, (page 19), to include Thanksgiving Friday as an additional Thanksgiving holiday. The current practice and wording of compensatory time off was left in the policy. The staff agreed the current system was working well and was more cost effective for the city.
- The retiring employee must meet the retirement qualifications outlined by the North Carolina Local Government Employees Retirement system.
- The retiring employee must be at least fifty-five (55) year of age
- The employee's last 20 full-time consecutive creditable years of service must have been with the City
- Coverage will terminate upon the retiring employee attaining to age of 65
- The retiring employee is responsible for paying the monthly premium, in advance, to the City; however, if an employee has 30 or more creditable years of service with the City, the City shall pay the premiums **for any employee hired before July 1, 2006. Effective July 1, 2006, new hires will not be eligible for medical insurance coverage at the time of retirement age 55 or older.**
- The retiring employee may elect to include family coverage only if the employee was covering the family at the time of retirement. **Surviving dependents of retirees age 55 and older will be eligible for coverage until age 65 at their own expense.**